

LAW OFFICE OF JOHN A. SCOLA, PLLC

90 Broad Street, Suite 1023
NEW YORK, NY 10004

TEL: 917.423.1445

FAX: 914.302.4099

July 27, 2023

Sent via ECF

Hon. Judge Ona Wang
Southern District of New York
500 Pearl Street
New York, NY, 10007

MEMO ENDORSED.

Re: Matos v. City of New York et. al.
Docket No: 1:19-cv-7691

Dear Judge Wang,

I represent the Plaintiff, Mariela Matos, in the above referenced matter. The parties attempted to settle this case following a settlement conference held before your honor on April 3, 2023. Following the agreement to settle Plaintiff signed a settlement agreement which was given the Defendants on April 27, 2023. Pursuant to the agreement, the Defendants had 90 days to pay the settlement check which was to be due today July 27, 2023. On July 14, 2023, I submitted a pay my claim request to the NYC Comptroller's office as it is usually a mistake if a check is not received within 60 days for current NYPD employees. Upon submitting the claim and providing my firms address (which is the same as the W9 submitted to the City), I was subsequently informed that the City of New York sent the check to the wrong address and now must cancel the check and reissue it.

Following a meet and confer today and multiple email conversations with the Comptroller's Office, the City of New York cannot provide a date by which the check will be issued. The City, as far as Plaintiff's are concerned, have materially breached the settlement agreement as they have not timely paid the settlement proceeds. Plaintiff is unsure how to proceed with this matter at this time. The Defendants refuse to provide a date by which the check will be issued. Further, they have been silent as to whether they will pay interest on the settlement check, which is now past due, despite multiple direct questions asking them to pay interest in this matter.

NO /OTW

Plaintiff respectfully requests that the Court Order Defendants provide a date certain by which they will deliver the check so Plaintiff can decide as to whether this case should move forward in litigation. Prior to this letter, I have asked Defense counsel repeatedly for information as to when the check will be issued and they have refused to provide any certainty in their responses. I apologize for the need for court intervention and I thank the Court for its time and consideration related to this matter.

Very truly yours,

/s/

John Scola, Esq.

Defendants are directed to respond to ECF 92 **by Friday, August 4, 2023**. The Court further notes that this case has been closed since April 10, 2023.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ona T. Wang', is written over a horizontal line.

Ona T. Wang 7/28/23
U.S.M.J.